

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

STEPHANIE LYNN FORD, )  
                          )  
                          )  
Plaintiff,             )  
                          )  
                          )  
v.                      )       C.A. No. 07-529  
                          )  
                          )  
CHRISTIANA CARE HEALTH )  
SYSTEMS                 )  
                          )  
                          )  
Defendants.            )  
                          )

**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Christiana Care Health Systems (hereinafter "Christiana Care" or "Defendant"), hereby moves to dismiss the Complaint of Plaintiff Stephanie Lynn Ford ("Plaintiff"). The grounds upon which the instant Motion is based are as follows:

1. This is the third Complaint that Plaintiff has filed against Christiana Care in which she purports to assert various employment-related claims. See Civil Action Nos. 06-301-MPT and 06-458-MPT (hereinafter "Plaintiff's previous lawsuits"). Plaintiff's previous lawsuits have been consolidated and are pending before the Hon. Magistrate Judge Thynge.

2. Discovery has been completed in Plaintiff's previous lawsuits and Christiana Care has filed a Motion for Summary Judgment with respect to all of Plaintiff's claims in those lawsuits. See Docket Item Nos. 53 and 54. In the interest of judicial economy, Christiana Care hereby incorporates herein its Motion for Summary Judgment and Brief in Support of its Motion for Summary Judgment. The grounds for Christiana Care's motion for summary judgment are that Plaintiff's Americans with

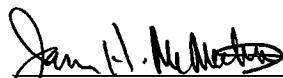
Disabilities Act (“ADA”) claims are time-barred, Plaintiff is not disabled within the meaning of the ADA, and there is no evidence of disability discrimination; Plaintiff’s claims under the Family and Medical Leave Act (“FMLA”) and the Employee Retirement Income Security Act (“ERISA”) fail as a matter of law; and Plaintiff has no basis for a claim of race discrimination, having failed to exhaust her administrative remedies.

3. Although it is very hard to decipher, Plaintiff’s latest *pro se* Complaint appears to assert claims that are virtually identical to those raised in Plaintiff’s previous lawsuits. Specifically, Plaintiff asserts that her employment with Christiana Care was wrongfully terminated and that she has been deprived of rights under the FMLA and ERISA. She also once again alleges that she has improperly been rejected for other positions with Christiana Care since her employment was terminated.

4. The instant Complaint should be dismissed because all of Plaintiff’s claims have previously been raised in this court in Plaintiff’s previous lawsuits and because, for the reasons set forth in Christiana Care’s motion for summary judgment in Plaintiff’s previous lawsuits, her claims fail as a matter of law.

**WHEREFORE**, for the reasons stated above and the reasons set forth in the accompanying Memorandum of Law, the Court should grant Defendant's Motion and enter an Order dismissing with prejudice Plaintiff's Complaint.

Respectfully submitted,



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Dated: October 16, 2007

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Christiana Care Health Systems

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                          )  
Defendants.            )  
                          )

**ORDER**

Now, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, having considered Defendant Christiana Care Health System's Motion to Dismiss Plaintiff's Complaint, and any opposition thereto, it is hereby **ORDERED** that Defendant's Motion is **GRANTED** and that Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

SO ORDERED BY THE COURT:

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U.S.D.J.

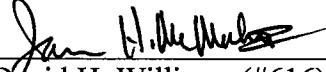
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: Plaintiff, :  
: v. : C.A. No. 07-529  
: Christiana Care Health Systems, :  
: Defendant. :

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that on October 16, 2007, I electronically filed the attached **DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT** with the Clerk of Court using CM/ECF, and that I have mailed by United States Postal Service the document to the following non-registered participant:

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Dated: October 16, 2007                          Attorneys for Defendant